

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL BUSINESS STATUS (37 CFR 1.9(f) AND 1.27 (d)) - NONPROFIT ORGANIZATION		Docket No. P66 42161
--	--	---------------------------------------

Serial No. To Be Assigned	Filing Date Herewith	Patent No.	Issue Date
--	---------------------------------------	-------------------	-------------------

Applicant/ **Jonathan W. Nyce and W. James Metzger**
Patentee:

Invention:

Low Adenosine Anti-Sense Oligonucleotide, Compositions, Kit & Method for Treatment of Airway Disorders Associated with Bronchoconstriction, Lung Inflammation, Allergy(ies) & Surfactant Depletion

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: East Carolina University

ADDRESS OF ORGANIZATION: 103 Spilman Building
Greenville, North Carolina 27858

TYPE OF NONPROFIT ORGANIZATION:

- ☐ University or other Institute of Higher Education
- ☒ Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))
- ☐ Nonprofit Scientific or Educational under Statute of State of The United States of America
Name of State: _____ Citation of Statute: _____
- ☐ Would Qualify as Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if Located in The United States of America
- ☐ Would Qualify as Nonprofit Scientific or Educational under Statute of State of The United States of America if Located in The United States of America
Name of State: _____ Citation of Statute: _____

I hereby declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification to be filed herewith.
- ☒ the application identified above.
- ☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

004040 62967550

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Richard R. Eakin

TITLE IN ORGANIZATION:

Chancellor

ADDRESS OF PERSON SIGNING:

East Carolina University
103 Spilman Building
Greenville, North Carolina 27858

SIGNATURE:

Richard R. Eakin

DATE:

4/21/99

Docket No.

P66 42161

Declaration For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Low Adenosine Anti-Sense Oligonucleotide, Compositions, Kit & Method for Treatment of Airway Disorders Associated with Bronchoconstriction, Lung Inflammation, Allergy(ies) & Surfactant Overproduction

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as United States Application No. or PCT International Application Number _____ and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

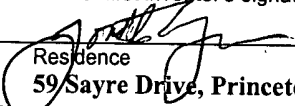
I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

<u>60/095,212</u>	<u>August 3, 1998</u>
(Application Serial No.)	(Filing Date)
<u>60/127,958</u>	<u>April 6, 1999</u>
(Application Serial No.)	(Filing Date)
<u></u>	<u></u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>09/093,972</u>	<u>June 9, 1998</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>08/472,527</u>	<u>June 5, 1995</u>	<u>Patented</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>08/474,497</u>	<u>June 7, 1995</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Jonathan W. Nyce	
Sole or first inventor's signature 	4/6/99 Date
Residence 59 Sayre Drive, Princeton, New Jersey 08540	
Citizenship United States	
Post Office Address Same as Above	

Full name of second inventor, if any W. James Metzger	
Second inventor's signature	Date
Residence	
Citizenship United States	
Post Office Address Same as Above	

Full name of third inventor, if any	
Third inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Docket No.

P66 42161

Declaration For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Low Adenosine Anti-Sense Oligonucleotide, Compositions, Kit & Method for Treatment of Airway Disorders Associated with Bronchoconstriction, Lung Inflammation, Allergy(ies) & Surfactant Depletion

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as United States Application No. or PCT International Application Number _____ and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

<u>60/095,212</u>	<u>August 3, 1998</u>
(Application Serial No.)	(Filing Date)
<u>60/127,958</u>	<u>April 6, 1999</u>
(Application Serial No.)	(Filing Date)
<u></u>	<u></u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>09/093,972</u>	<u>June 9, 1998</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>08/472,527</u>	<u>June 5, 1995</u>	<u>Patented</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>08/474,497</u>	<u>June 7, 1995</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor. Jonathan W. Nyce	
Sole or first inventor's signature	Date
Residence 59 Sayre Drive, Princeton, New Jersey 08540	
Citizenship United States	
Post Office Address Same as Above	

Full name of second inventor, if any W. James Metzger	
Second inventor's signature <i>W. James Metzger, MD.</i>	Date 4/15/99
Residence 238 Windsor Road Greenville, NC 27858	
Citizenship United States North Carolina, Pitt County	
Post Office Address Same as Above I, Suzanne Godley, a Notary Public for said County and State,	
do hereby certify that W. James Metzger appeared before me this	

day and acknowledged the due execution of the foregoing instrument.
Witness my hand and official seal, this the 16th day of April, 1999.

Full name of third inventor, if any	
Third inventor's signature <i>Suzanne B. Godley</i> Notary Public	Date
Residence My commission expires Oct. 11 , 19 99 .	
Citizenship	
Post Office Address	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

73999\01340

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Appl. Ref.: EPI-067191
Nyce et al. : Atty Ref.: 73999/01905
Appl. No: not yet assigned : Priority: US 60/127,958
Filing Date: herewith :

For: **LOW ADENOSINE ANTI-SENSE OLIGONUCLEOTIDE, COMPOSITIONS,
KIT & METHOD FOR TREATMENT OF AIRWAY DISORDERS
ASSOCIATED WITH BRONCHOCONTRICION, LUNCH
INFLAMMATION, ALLERGY(IES) & SURFACTANT DEPLETION**

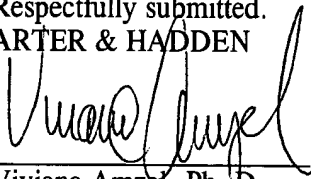
DECLARATION

Assistant Commissioner of Patents & Trademarks
Washington, DC 20231

Sir\Madam:

I, Viviana Amzel, hereby state that the contents of the paper copy of the Sequence Listing section submitted herewith and of the paper and computer readable copies filed herewith with the U.S. Non-Provisional patent application, and that the enclosed copy includes no significant new matter and the sequences therein are, to the best of applicant's knowledge, substantially the same, as the sequences in the original application, as filed.

Respectfully submitted.
ARTER & HADDEN


Viviana Amzel, Ph. D.
Attorney for Applicant

Citicorp Building
725 South Figueroa St.
Suite 3400
213-430-3520 Ph.
213-617-9255 Fax

I hereby certify that this paper or fee is being deposited with the United States Postal Service via Express Mail service in an Express Mail Package under the label No. EJ206757142US under 37 CFR 1.8 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington D C 20231, on April 4, 2000, by Jenny R. Wilson

